

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FRANK BILELLO, individually and on behalf )  
of all others similarly situated, )  
  
Plaintiff, )  
  
v. )  
  
JPMORGAN CHASE RETIREMENT PLAN, )  
JPMORGAN CHASE DIRECTOR OF )  
HUMAN RESOURCES as administrator of the )  
JPMorgan Chase Retirement Plan, )  
  
Defendants. )

Via ECF  
Civ. No. 07-7379 (RJS) (FM)

## DECLARATION OF AMY WILLIAMS-DERRY

Pursuant to 28 U.S.C. § 1746, I, AMY WILLIAMS-DERRY, declare as follows:

1. I am an attorney with the firm of Keller Rohrbach L.L.P., counsel of record for Plaintiffs in this matter. I am admitted to practice *pro hac vice* in this District. I submit this declaration in support of the Plaintiffs' Opposition to Defendants' Motion to Dismiss. I have personal knowledge of the matters stated herein, and if called upon I could and would competently testify thereto.

2. Attached as Exhibit 1 is a true and correct copy of Frank Bilello's first Benefit Election Form, dated March 6, 2008.

3. Attached as Exhibit 2 is a true and correct copy of the slip opinion of the U.S. District Court for the Southern District of Texas in the action entitled *Humphrey v. United Way of the Texas Gulf Coast*, Cause No. H-05-758, dated March 28, 2008.

4. Attached as Exhibit 3 is a true and correct copy of IRS Document 6390, entitled Employee Benefit Plans, Explanation No. 2A: Minimum Vesting Standards Defined Benefit Plans.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED this 31st day of March, 2008.

s/Amy Williams-Derry  
Amy Williams-Derry

**CERTIFICATE OF SERVICE**

I hereby certify that on March 31, 2008, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Thomas C. Rice                      trice@stblaw.com

Jonathan K. Youngwood              jyoungwood@stblaw.com

s/ Amy Williams-Derry

Amy Williams-Derry  
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